IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR. JUSTICE D.S.R.VARMA
AND
THE HON'BLE MR. JUSTICE P.SWAROOP REDDY

TUESDAY, THE TWENTY SIXTH DAY OF DECEMBER
TWO THOUSAND AND SIX

TAKEN UP WRIT PETITION No.18718 OF 2006

–

Between:

Smt. Vaddadi Kanakamahalakshmi w/o Vaddadi Apparao

Petitioner

AND

The Station House Officer,
I Town Police Station,
Visakhapatnam and others

Respondents

–

THE HON'BLE MR. JUSTICE D.S.R.VARMA
AND
THE HON'BLE MR. JUSTICE P.SWAROOP REDDY

TAKEN UP WRIT PETITION No.18718 OF 2006

ORAL ORDER: **(per the Hon'ble Mr. Justice D.S.R.Varma)**

Heard the learned Government Pleader for Home, representing the learned Advocate General, appearing for the respondents.

2. This Writ Petition is taken up on the basis of a letter, dated 26.08.2006, by the petitioner – Vaddadi Kanakamahalakshmi, W/o. Vaddadi Apparao, D.No.20-28-5, Painderpeta, Relliveedhi, Visakhapatnam, to the Hon'ble the Chief Justice, High Court of Andhra Pradesh, Hyderabad, alleging that, on 7.2.2006, her minor daughter was kidnapped by one Chenna Satish, who is working as a Sea Man in Merchant Navy, from her house in day light; that she reported the matter to the I Town Police Station immediately; that again on 9.2.2006 she gave a written report to the said I Town Police mentioning the things and the names of the culprits and instigators; that surprisingly, the police directed her to give another report and also directed her another daughter to draft fresh report, which was dictated by the said police, on 10.2.2006; that on the basis of said report, the police registered a case as 'girl missing' instead of 'kidnap; that after knowing the fraud played by the police, they approached the Commissioner of Police and other officers number of times and narrated the facts; that finally though the police altered the FIR from 'girl missing' to 'kidnap', they did not take any action till today and prayed to direct the police to produce her minor daughter immediately, otherwise the safety of the minor girl will be in trouble.

3. Pursuant to the issuance of notice, by this Court,

the Inspector of Police, I Town Police Station, Visakhapatnam, filed counter-affidavit, stating, *inter alia*, that the then Inspector, having received the complaint, failed to register the same and instead directed the elder daughter of the petitioner to give another complaint and accordingly second complaint was given on 10.02.2006; that the said lapse was brought to the notice of the Commissioner of Police, Visakhapatnam; that pursuant to the said complaint, a charge memo was also issued to the then Inspector of Police Smt. K. Vijaya, calling for her explanation; that basing on the complaint, dated 10.02.2006, which was lodged before the first respondent, a case in Crime No.34 of 2006 was registered under the head '*Girl Missing'* and that subsequently, as directed by the Commissioner of Police, Visakhapatnam, the section of law was altered to Section 363 I.P.C., on 20.03.2006.

4. In the additional counter-affidavit, filed by the Inspector of Police, I Town Police Station, Visakhapatnam, it is brought to the notice of this Court that the Passport bearing No.E5244122 of the accused by name Chenna Satish, with whom the missing girl allegedly went away, on her own volition, was also seized. In this connection, to verify the facts, a Special Team was sent to Surat, Gujarat State, where a common friend of the victim girl and the accused, by name Mr. Surisetty Dharmendra, resides, but no useful information is forthcoming. It is also stated that they sought permission from the Deputy Commissioner of Police, Visakhapatnam City, to send the Special Team to Goa and Mumbai, where the accused had underwent training for Seaman Course and the same is awaited.

5. In view of this information, we are convinced that though enough investigation had been conducted by the police so far, however, it requires further investigation.

6. In view of the revelations in the counter-affidavit and also additional counter-affidavit, the writ petition is liable to be closed, with a direction to the Superintendent of Police, Visakhapatnam, to monitor the case personally and to furnish the progress, if any, to the Registrar (Judicial) of this High Court.

6. Subject to the above direction, the writ petition is closed, at the stage of admission. However, there shall be no order as to costs.

D.S.R.Varma, J.

P.Swaroop Reddy, J.

26TH DECEMBER 2006

MAS/KRK